



Board of Directors

December 4, 2018

District Office Building | 799 SW Columbia | Bend, Oregon

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5:30 p.m. MEETING CONVENED

BOARD PRESENT

Brady Fuller, Chair

Ted Schoenborn, Vice Chair

Nathan Hovekamp

Lauren Sprang

Ellen Grover

STAFF PRESENT

Don Horton, Executive Director

Michelle Healy, Planning and Park Services Director

Matt Mercer, Director of Recreation

Lindsey Lombard, Administrative Services Director

Sheila Reed, Executive Assistant

Jeff Hagler, Park Stewardship Manager

Betsy Tucker, Finance Manager

Sasha Sulia, Superintendent of Park Operations

Russ Holliday, Sports Program Manager

Greg Brady, Sports Program Coordinator

Michael Egging, Recreation Analyst

Media

Stephen Hamway, The Bulletin

Jacob Larsen, KTVZ

WORK SESSION

- 1. Recreation Program Report: Adult Sports Programs – *Greg Brady (15 min)*

Mr. Brady reviewed the various adult sports programs offered by the District, stating that some of them have been offered for more than 40 years. He said that people participate for exercise, recreation, competition and to connect with the community. Participation has remained steady over the last five years, with the softball programs being the most popular.

- 2. Alcohol Permits – *Sasha Sulia (25 min)*

Ms. Sulia presented the alcohol permit policy and recommended changes. She gave a background on the policy that was created in 2011 and the issuing of permits. The policy required that patrons obtain a permit to drink alcohol in the parks. At the time, the Bend Police Department was responsible for monitoring alcohol consumption in the parks, and the agency that issued the free permits. Once the Park Steward Department was established in the District, the Police Department no longer wanted to issue permits and the responsibility was turned over to the District. Permits are

currently offered to any user of the parks that comes in a fills out the necessary forms. When the policy was written, the Board wanted to offer permits to small groups allowing them to drink responsibly in the park. Some have taken advantage of the opportunity and some have been abusing the policy.

The District created a small committee of staff to investigate how this policy is going and how other agencies are handling this issue. It was discovered that the District is inconsistent with the requirements for facility rentals, field rentals and shelters, particularly with permitting and insurance requirements for shelters. The policy is confusing and patrons don't always realize that they need a permit for alcohol; they just see others with it and assume that it is allowed in the parks. Some river users are obtaining permits to drink in parks along the river and accessing the parks as they float. Others are working the system to avoid the rental fee of a shelter or facility.

Ms. Sulia said that SDAO (Special Districts Association of Oregon) was contacted for advice about the permits and they recommended that the District stop issuing the alcohol permits that do not require insurance because the risk exposure is too great. Peer agencies were contacted and it was found that most require permits, charge a fee and do not allow alcohol in parks unless it is tied to an event or rental.

Ms. Sulia next covered the data of permits issued in 2017-2018. The collected data shows that 601 permits were issued in this time period and 29 percent were non-rental gatherings. In the same period, park stewards had 1,294 interactions with patrons consuming alcohol without a permit.

The staff at this time recommends that the District no longer issue these permits unless they are part of a rental agreement of a shelter or facility. This will reduce the liability, confusion to patrons, simplify enforcement for stewards and minimize unintended consequences that are a part of the current system.

The Board engaged in the discussion and asked some questions about how small groups that are behaving responsibly can still enjoy a bottle of wine with a picnic. It was also mentioned that parks with shelters that don't offer rental opportunities make it more difficult to take the permit option away. Director Grover commented that a policy that encourages people to do the right thing is needed. It was suggested that permits could be offered, but the number of people that can be on one permit would be limited. Furthermore, each person listed on the permit will have to provide proof of insurance. Staff was encouraged to try this as a compromise. Staff will bring back a revised policy to the Board for a later discussion.

7:00 p.m. BUSINESS SESSION

VISITORS

Mike Tripp: Mr. Tripp said he would like to follow up on the Mirror Pond funding meeting on Nov. 29. Mr. Tripp said the District should work close with the City and should not make a financial commitment at this time. He claimed that the time is not right, but thinks there is an opportunity to open up the discussion of how to solve this problem. He said that some basic questions should be answered about this project first. He asked the Board to please take the due diligence to see the cost of the dredge and how to manage the project in the future. He stated that there is a push to commit to funding before PacifiCorp has committed to making funding available through a franchise fee.

Todd Taylor, Mirror Pond Solutions: Mr. Taylor remarked that contrary to some beliefs, this process has been taking place over six years. He said that this is the second time in his life that the pond has needed to be dredged. PacifiCorp will not be removing the dam and there have been many discussions about the dredge. The pond needs to be dredged. He reminded the Board that people who have sat on the District board have sat on the committees as well. He said this is the last km of a 10km race and looks forward to working with the Board and getting this project done. He said he recognizes that a fund needs to be set aside to deal with the issue again in the future. He closed by thanking the board for all their support.

Scott Wallace, Former BPRD Board Member: Mr. Wallace came to speak about the Mirror Pond project. He stated that he was serving on the District Board and served on the Mirror Pond committee when this started. He recalled that the community was pretty divided at the time. When PacifiCorp considered divesting, a hybrid model was suggested that brought the community together with an agreeable option. He said that since PacifiCorp has decided that they do not want to remove the dam, the pond needs to be dealt with. MPS has worked hard to get some funding and permits to make this happen. He agrees that there are some opportunities for other restorations, but suggested that the District get this part off the ground and done, then look at the other options. He ended by saying that Mirror Pond is an iconic feature of downtown and encouraged the Board to look at getting this done.

CONSENT AGENDA

1. Meeting Minutes – 11/6/2018

Director Schoenborn made a motion to approve the consent agenda. Director Sprang seconded. The motion passed unanimously, 5-0.

BUSINESS SESSION

1. Appoint Budget Committee Member(s) – *Betsy Tucker (15 min)*

Ms. Tucker addressed the Board about the vacant position on the budget committee. She said the Board was provided with the applications at the last meeting and the scores from the Board have been received. Daryl Parrish was voted to serve the next three years starting with 2019 as the newest Budget Committee member.

Director Hovekamp made a motion to appoint Daryl Parrish to serve on the Bend Park and Recreation District's Budget Committee for a term of three fiscal year budget processes each, beginning with the 2019-20 fiscal year budget process. Director Sprang seconded. The motion passed 5-0.

Executive Director Horton suggested that there could be another opening on the Budget Committee and that the Board may want to consider appointing an alternate committee member. The Board agreed to have an alternate and chose the applicant, Deb Schoen that was next in line on the vote.

Director Hovekamp made a motion to appoint Deb Schoen to serve as an alternate for the Bend Park and Recreation District's Budget Committee for a term of three fiscal year budget processes each, beginning with the 2019-20 fiscal year budget process. Director Grover seconded. The motion passed 5-0.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Horton reviewed an informational card with the updated drone rules. Included on the card is a statement that drone flyers must follow FAA rules and includes the web address to the rules. He also stated that the way these rules were adopted into the ordinance allow for the rules to be adapted as needed.

Director Fuller spoke about the Mirror Pond Solutions meetings that have recently taken place. He informed the Board that over \$300,000 has been raised by the community; the District and the City have been asked to match that with \$300,000 from the general funds of each agency. Director Fuller expressed some concerns about how the money would be held and ensured that it is used as intended and in addition the Board should consider that all costs may not have been accounted for in the project: legal, easements, etc. The permits have been obtained for this project and he stated that he would like to have a financial commitment from the Board before the next MPS meeting at the end of this week.

Director Hovekamp stated that we all have a commitment to the river. He said the District manages about half the river's edge through the city. The District is currently involved in a large project with UDWC. This takes time and effort and the size of the effort requires that the work be completed in phases. This shows the deep commitment of the District to the river. Director Hovekamp does not believe that the decisions have been made by the public and that the District should not pay for something that is on private land. Past discussion have told the District that many people would like to see a natural, free flowing river and that this project gives too many answers of "no" to this group. He also commented that there is not a plan in place to dredge the pond again in the future when it is likely to be necessary, this was part of the MOU that the District agreed to a couple of years ago. He said that the Board needs to give this serious thought before committing.

Director Schoenborn recalled that when PacifiCorp considered removing the dam, the community came to an agreement about the project. The dam is now completely repaired and there is no reason to believe that it will be removed anytime soon. He said that he has served on committees about this project for six years and the time is right to make this happen. The community that wants a free flowing river is not going to get it because the dam will not be removed. This issue can no longer be ignored. Director Schoenborn feels that we can make a decision if the City is willing to go along with the raised franchise fee, which will pay a large part of the cost. He said the District has an obligation to contribute to this. In regards to the discussion of a fish ladder, Director Schoenborn added that it is not appropriate at this time; it unfairly adds costs and time to the project. He said it would be a nice addition, but should be another project.

Director Grover recalled the earlier vision that would balance all the imperatives that people wanted to see, Mirror Pond, enhanced habitat, free flowing river; the reality is that all the needs cannot be met because of ownership of the dam. So, the next question is: what is the vision with the dam in place? What can be managed and controlled? The vision doesn't include filling mirror pond with wetlands. Director Grover said that it is right for us to contribute to a feature that our constituents use. We can't have perfect fish habitat in Mirror pond at this time. She said that this community has had a lot of discussion and studies; this can be discussed and studied to death. In terms of the fish ladder, it takes years to design and implement these structures. It is a big project and maybe the franchise fee could be used as a match for a fish ladder in the future.

Director Sprang added that she is not sure that there are only two choices here. It is not ideal to have to dredge the pond periodically. The benefit here is that the public does tell the District that they want the District to be involved in the community and partner with the city; this is an opportunity.

Executive Director Horton gave some history of the vision that was adopted by the Board. The vision did call for a dredge of the pond. The vision also included cascading falls (instead of the dam) which included fish passage, restoring of the riparian habitat areas and extension of the Deschutes River Trail (which is being done), and some multi-use development along the river. This project is too big to be done all at once and will have to be done in pieces. The District is currently doing this project in pieces. The fish ladder is a good idea, but waiting for that may cause the District to miss this opportunity to get the dredge done. He said this decision does not have to be made tonight. The District should support the city and the need for the franchise fee, set a limit on the budget so that there is assurance that the project is not going to grow. The details do not have to be worked out right now, but a long term financial solution would need to be worked out before the District could consider taking ownership of the land. The next Board meeting there will need to be a discussion about where the money is going to come from in the general fund and work out the legal issues to make sure that the District can contribute the money with consideration of the bidding process and developer agreements.

Director Grover would like to weigh the pros and cons of the ownership of the land and would like to look at the risk analysis. She has less concern about the risk of losing grant funding.

The Board discussed that the City would have to commit to the same contribution. The Director Fuller remarked that he is pretty confident that the City will be in agreement as well.

Mr. Taylor was asked to comment on the discussion. He said that all are tied to one another and the project needs to have all pieces to come into place. He further said that MPS is not willing to take on the debt for the project unless there is a locked in funding mechanism in place. The franchise fee is at 5 percent today and could be increased to roughly 6.25 percent until the debt is paid (8-9 years). The fee could then drop down to 5.25 percent with the additional .25 percent set aside for future needs of Mirror Pond. If silt removal isn't needed, he suggested the money be used for other Mirror Pond Projects.

Executive Director Horton spoke of the next steps including an IGA with all parties involved.

BOARD MEETINGS CALENDAR REVIEW

PROJECT REPORT: Attachment in Board Report

GOOD OF THE ORDER

ADJOURN 8:09 p.m.

EXECUTIVE SESSION

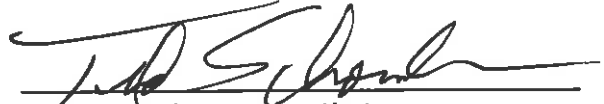
The Board met in Executive Session upon adjournment of the regular meeting pursuant to ORS 192.660(2)(h) for the purpose of consultation with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed and ORS 192.660(2)(i). This session was closed to all members of the public except for representatives of the news media.



Prepared by,
Sheila Reed
Executive Assistant



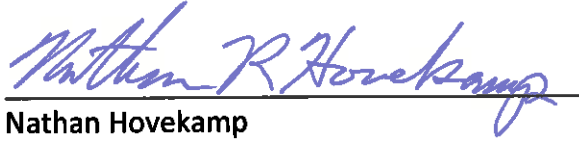
Brady Fuller, Chair



Ted Schoenborn, Vice-Chair



Ellen Grover



Nathan Hovekamp



Lauren Sprang